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10/672,635	09/26/2003	David G. Boyer	502084-A-01-US (Boyer)	8094

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Ryan, Mason & Lewis, LLP  
Suite 205  
1300 Post Road  
Fairfield, CT 06824

EXAMINER
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LA, ANH V

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2612

DATE MAILED: 05/17/2006

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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 10/672,635  
Filing Date: September 26, 2003  
Appellant(s): BOYER ET AL.

**MAILED**

MAY 13 2006

**GROUP 2800**

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Kevin M. Mason  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed February 17, 2006 appealing from the Office action mailed September 19, 2005.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

No evidence is relied upon by the examiner in the rejection of the claims under appeal.

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Staples (US 5,889,845).

Regarding claim 1, Staples discloses a method for determining a presence status of a user comprising obtaining 106 presence information from a plurality of presence data stores (column 4, lines 55-67, abstract, column 2, line 40- col. 3, line 67), translating the presence information from at least one of the presence data stores into a standard format, and determining the presence status of the user based on the obtained presence information (abstract, figures 1, 10, 12-20, column 2, line 40- col. 3, line 67).

Regarding claim 13, Staples discloses a method for determining a presence status of a user comprising obtaining 106 presence information from a plurality of presence data stores (column 4, lines 55-67, abstract, col. 2, line 40- col. 3, line 67), and determining the presence status of the user based on one or more rules that are applied to the obtained presence information (abstract, figures 1, 10, 12-20, column 2, line 40- col. 3, line 67).

Regarding claim 18, Staples discloses a system for determining a presence status of a user comprising a memory 344, at least one processor 346 to obtain presence information from a plurality of presence data stores (column 4, lines 55-67, abstract, col. 2, line 40- col. 3, line 67), translate the presence information from at least one of the presence data stores into a standard format, and determine the presence

status of the user based on the obtained presence information (abstract, figures 1, 10, 12-20, column 2, line 40- col. 3, line 67).

Regarding claim 23, Staples discloses a system for determining a presence status of a user comprising a memory 344, at least one processor 346 to obtain presence information from a plurality of presence data stores (column 4, lines 55-67, abstract, col. 2, line 40- col. 3, line 67), translate the presence information from at least one of the presence data stores into a standard format, and determine the presence status of the user based on one or more rules that are applied to the obtained presence information (abstract, figures 1, 10, 12-20, column 2, line 40- col. 3, line 67).

Regarding claims 2 and 19, Staples discloses the presence status indicating if the user can be reached at one or more indicated devices (the corporate office).

Regarding claim 3, Staples discloses a user registration process (abstract, figures 1, 10, 12-20, column 2, line 40- col. 3, line 67).

Regarding claim 4, Staples discloses observing activities of a user (abstract, figures 1, 10, 12-20, column 2, line 40- col. 3, line 67).

Regarding claim 5, Staples discloses a presence data collector (abstract, figures 1, 10, 12-20, column 2, line 40- col. 3, line 67).

Regarding claims 6, 14, and 20, Staples discloses querying a presence data store for the presence information (abstract, figures 1, 10, 12-20, column 2, line 40- col. 3, line 67).

Regarding claims 7, 15, and 21, Staples discloses receiving message containing the presence information from a presence data store (abstract, figures 1, 10, 12-20, column 2, line 40- col. 3, line 67).

Regarding claims 8, 16, and 24, Staples discloses one or more rules that aggregate the obtained presence information (abstract, figures 1, 10, 12-20, column 2, line 40- col. 3, line 67).

Regarding claims 9, 17, and 25, Staples discloses one or more rules that filter the obtained presence information (abstract, figures 1, 10, 12-20, column 2, line 40- col. 3, line 67).

Regarding claims 10 and 22, Staples discloses a format appropriate for recipient application and providing the presence status to the recipient application (abstract, figures 1, 10, 12-20, column 2, line 40- col. 3, line 67).

Regarding claim 11, Staples discloses the presence data store being a device (col. 4, lines 55-67).

Regarding claim 12, Staples discloses the presence data store being an application (col. 4, lines 55-67).

#### **(10) Response to Argument**

In response to appellant's argument that Staples does not disclose translating presence information from at least one of the presence data stores into a standard format. Appellant's argument is not persuasive. It is clearly noted that "a standard format" is broadly recited without any supporting details in claims 1 and 18. Also, it is noted that the features upon which appellant relies (i.e., the presence proxy, a Lotus

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Notes Server, the presence data collector, a Lotus Notes client, a Microsoft Exchange Server, an application program interface, Microsoft Collaboration Data Objects library, a Calendar Server interface, a Netscape Directory Server, iCalendar interface, an XML document, the CPIM model) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. Therefore, in the abstract, figures 1, 10, 12-20, column 2, line 40- col. 3, line 67, Staples clearly teaches translating presence information from at least one of the presence data stores into a standard format. The plurality of presence data stores include the remote user's registration information including identification and security information, connecting or disconnecting status to the virtual presence server, and the information that the virtual presence server uses in order to automatically forward all calls and route email, faxes, and LAN data to the remote user. It is clearly seen that the information that the virtual presence server uses in order to automatically forward all calls and route email, faxes, and LAN data to the remote user must be in a standard format. Furthermore, Staples clearly discloses the use of "a standard format" in column 19, lines 14-67 and in column 20, lines 1-18.

In response to appellant's argument that Staples does not disclose determining presence status of a user based on one or more rules that are applied to the obtained presence information. Appellant's argument is not persuasive. It is clearly noted that "one or more rules" is broadly recited without any supporting details in claims 13 and 23. Also, it is noted that the features upon which appellant relies (i.e., the presence proxy, a programmable interface, the user-specification of logic, the user can define filtering

rules that determine how the presence information of the user is shared with applications, a conflict between an appointment in my Microsoft Outlook Calendar and my Palm, my Palm Calendar, the text analysis engine can analyze scheduled appointments/meetings for keywords and infer the presence information for the user according to the user's rules, a user could create a rule that establishes his or her status as "busy" whenever the user has the "lunch" keyword in his appointments, the user could create a rule that establishes his or her status as "unavailable" whenever the "tele-cof" keyword appears in the user's appointments) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. Therefore, in the abstract, figures 1, 10, 12-20, column 2, line 40- col. 3, line 67, Staples clearly discloses determining presence status of a user based on one or more rules that are applied to the obtained presence information. Furthermore, Staples clearly discloses an example of using "one or more rules" in column 21, lines 50-65 and column 22, lines 13-30.

In response to appellant's argument that Staples does not disclose one or more rules that filter/aggregate the obtained presence information. Appellant's argument is not persuasive. In the abstract, figures 1, 10, 12-20, column 2, line 40- col. 3, line 67, specially, in column 21, lines 50-65 and column 22, lines 13-30, Staples clearly discloses one or more rules that filter/aggregate the obtained presence information to determine the presence status of the user.



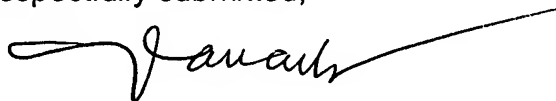
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**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



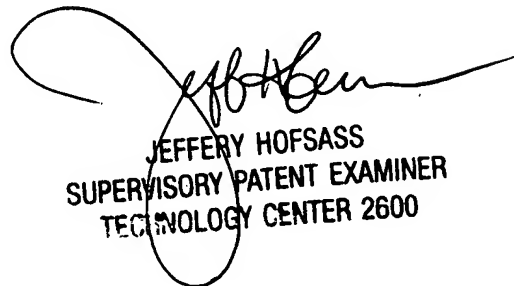
**ANH V. LA  
PRIMARY EXAMINER**

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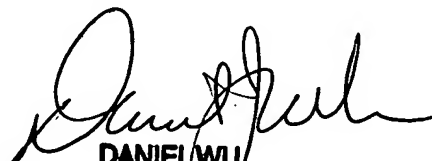
May 11, 2006

Conferees:

Jeffrey Hofsass



**JEFFERY HOFSSASS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600**



**DANIEL WU  
SUPERVISORY PATENT EXAMINER**